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DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Report of the Working Group on Indigenous Populations on its thirteenth session

(Geneva, 24-28 July 1995)

Chairperson-Rapporteur: Mrs. Erica-Irene A. Daes

CONTENTS

	Paragraphs	Page
Introduction	1 - 17	3
I. GENERAL DEBATE	18 - 35	9
II. EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS PEOPLES	36 - 52	12
III. REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS POPULATIONS	53 - 109	14
A. General principles	55 - 60	15
B. Life, integrity and security	61 - 67	16
C. Culture, religious and linguistic identity	68 - 73	17
D. Education and public information	74 - 78	18
E. Economic and social rights	79 - 87	19

CONTENTS (continued)

		Paragraphs	Page
	F. Land and resources	88 - 99	20
	G. Indigenous institutions	100 - 105	22
	H. Implementation	106 - 109	23
IV.	CONSIDERATION OF THE SECOND PROGRESS REPORT OF THE SPECIAL RAPPORTEUR OF THE SUB-COMMISSION ON TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS BETWEEN STATES AND INDIGENOUS POPULATIONS	110 - 114	24
V.	INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE	115 - 134	25
	A. Activities of the United Nations system	119 - 123	25
	B. Activities of Governments	124 - 126	26
	C. Indigenous activities	127 - 130	27
	D. Voluntary Fund for the International Decade	131 - 134	27
VI.	THE FUTURE ROLE OF THE WORKING GROUP	135 - 141	28
VII.	CONSIDERATION OF A PERMANENT FORUM FOR INDIGENOUS PEOPLES	142 - 151	29
VIII.	OTHER MATTERS	152 - 158	31
	A. Meetings and seminars	152 - 154	31
	B. Voluntary Fund for Indigenous Populations	155 - 158	32
IX.	CONCLUSIONS AND RECOMMENDATIONS	159 - 177	33
	A. Standard-setting	159 - 162	33
	B. Review of developments	163 - 166	33
	C. Treaty study	167 - 169	34
	D. International Decade of the World's Indigenous People	170 - 172	34
	E. Permanent forum	173 - 175	34
	F. Meetings and conferences	176 - 177	35

Introduction

Mandate

1. The creation of the Working Group on Indigenous Populations was proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 2 (XXXIV) of 8 September 1981, endorsed by the Commission on Human Rights in its resolution 1982/19 of 10 March 1982, and authorized by the Economic and Social Council in its resolution 1982/34 of 7 May 1982. In that resolution the Council authorized the Sub-Commission to establish annually a working group to meet in order to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind in particular the conclusions and recommendations contained in the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo, entitled "Study of the problem of discrimination against indigenous populations" (E/CN.4/Sub.2/1986/7 and Add.1-4);

(b) Give special attention to the evolution of standards concerning the rights of indigenous populations, taking account of both the similarities and the differences in the situations and aspirations of indigenous populations throughout the world.

2. In addition to the review of developments and the evolution of international standards, which are separate items on the Working Group's agenda, the Group has over the years considered a number of other issues relating to indigenous needs, rights and aspirations. The General Assembly in its resolution 48/163 of 21 December 1993, invited indigenous organizations and other interested non-governmental organizations to consider the contributions they can make to the success of the International Decade of the World's Indigenous People. The Commission on Human Rights in its resolution 1995/30 of 3 March 1995 requested the Working Group to continue to give priority consideration to the possible establishment of a permanent forum for indigenous people and to submit its views and suggestions, through the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, to the Commission on Human Rights at its fifty-second session. Both these questions were included in the provisional agenda prepared by the secretariat.

Participation in the session

3. In its decision 1994/119 of 26 August 1994, the Sub-Commission decided on the following composition of the Working Group at its thirteenth session: Ms. Judith Sefi Attah, Mr. Miguel Alfonso Martínez, Mr. Volodymyr Boutkevitch, Ms. Erica-Irene A. Daes and Mr. Ribot Hatano.

4. The session was attended by Mr. José Bengoa as Mr. Alfonso Martínez's alternate, Mr. Boutkevitch, Ms. Daes and Mr. Hatano.

5. The following States Members of the United Nations were represented by observers: Australia, Bangladesh, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Fiji, Finland, France, Germany, Guatemala, Honduras, India, Indonesia, Japan, Malaysia, Mexico, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Russian Federation, South Africa, Sweden, United States of America.

6. The following non-member States were represented by observers: Holy See and Switzerland.

7. The following United Nations bodies and specialized agencies were also represented by observers: United Nations Department of Public Information, United Nations Children's Fund, United Nations Development Programme, International Labour Office, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization and World Bank.

8. The following indigenous non-governmental organizations in consultative status with the Economic and Social Council were also represented by observers:

(a) Organizations of indigenous peoples

Aboriginal and Torres Strait Islander Commission, Grand Council of the Crees, Indian Council of South America, Indian Law Resource Centre, Indigenous World Association, International Indian Treaty Council, International Organization of Indigenous Resource Development, National Aboriginal and Islander Legal Service Secretariat, Sami Council and World Council of Indigenous Peoples.

(b) Other organizations

Category II

Baha'i International Community, Commission of the Churches on International Affairs of the World Council of Churches, Friends World Committee for Consultation (Quakers), Human Rights Watch, International Federation Terre des Hommes, International Institute of Humanitarian Law, International League for the Rights and Liberation of Peoples, International Movement ATD Fourth World, International Service for Human Rights, International Work Group for Indigenous Affairs, International Youth & Student Movement for the United Nations, Society for Threatened Peoples, Women's International League for Peace and Freedom, World Federalist Movement, World Federation of Democratic Youth and World University Service.

Roster

International Association of Educators for World Peace, and International Movement Against all Forms of Discrimination and Racism.

9. The following indigenous peoples' organizations and nations, as well as other organizations and groups, were represented at the session and provided information to the Working Group with its consent:

Aboriginal Provisional Government, Agencia Internacional de Prensa India, Ainu Association of Hokkaido - Japan, Alliance of Taiwan Indigenous Culture, American Indian Law Alliance, Apache Survival Coalition, Apikan Indigenous Network, Asia Indigenous Peoples Pact, Asociación Indígena de la Republica Argentina, Asociación Socio-Económico de Productores Indígenas del Tawantinsuyu, Association for the Promotion of Batwa, Association Irianis Indigenous Student in Indonesia, Association Nouvelle pour la Culture et des Arts Populaire (Amazigh), Association of Koryk Peoples, Association of the Shorski People, Association pour le Development Global des Batwa en Rwanda, Canadian Indigenous Women's Resource Institute, Central Land Council, Centros Culturales Mapuche de Cañete, Chin National Front, Chittagong Hill Tracts Peace Campaign, Chukchi L'Auravetlan Foundation, Comisión Internacional de Derechos de los Pueblos Indígenas de Sud América, Comisión Jurídica de los Pueblos de Integración Tawantinsuyana-Cojpita, Comité de Solidaridad Triqui en el área metropolitana, Comité Intertribal Memoria ê Ciencia - Brazil, Comité Organizador Indígena Kaqchiquel, Comunidad Chalchiteca, Comunidad Ishor-Puerto Esperanza Departamento de Alto, Paraguay, Confederacy of Treaty Six First Nations, Consejo Aguaruna y Huambisa, Consejo de Todas las Tierras Mapuche, Consejo Indígena en Holanda, Consejo Inter-Regional Mapuche, Consejo Nacional Indígena de Venezuela, Consultative Committee of Finno-Ugric Peoples, Coordinación de Organizaciones Mapuche-Argentina, Coordinadora de Organizaciones y Naciones Indígenas del Continente, Coordinadora Nacional de los Pueblos Indígenas de Panamá, Cordillera Peoples Alliance, Council for the Advancement of Native Development Officers, Crimean Tatar People, Dakota Tipi First Nation, Escuela Maya de Derechos Humanos Ixim-Che, Federación Indígena y Campesina de Imbabura, Federación Indígena Tawahka de Honduras, Federación de Organizaciones Indígenas Campesinas, Foundation for Aboriginal and Islander Research Action, Fundaçao Arapora - Brasil, Griqua National Conference of South Africa, Grumin-Grupo Mujer Educación Indígena, Hill Students' Council-Bangladesh, Hiti-Tau - Peuples Maohi, Hiti Tau Conseil National des ONG des Pays Maohi, Iina Torres Strait Islanders Corporation Research and Resource Centre, Ilkerin Loite Project-Kenya Maasai of Loita, Indian Confederation of Indigenous and Tribal Peoples, Indigenous Peoples Rights and Information Center - SAIIC, Indigenous Toddlers of Greenland, Indigenous Women's Aboriginal Cooperation, Indigenous Women's Solidarity Network, International Alliance of Indigenous Tribal Peoples of the Tropical Forests, Jumma Peoples Alert, Jumma Peoples Network, Kalahui Hawaii, Kalmyk Association People, Keewatin Tribal Council, Kety People, Kimberley Land Council, Lakota Nation, Lumad Mindanaw Peoples Federation, Maa Development Association, Movement for the Survival of the Ogoni People (MOSOP), Muskogee-Creek Nation, Mouvement Touareg de l'Azawad, Movimiento Indio "Tupaj Katari", Movimiento Quintin Lame, Mangyan Tribal Organisation in Mindoro, Maohi Nation People, Mikmak Nation, Montagnard Foundation, Inc.,

Movimiento Acción Reconciliación, National Committee to Defend Black Rights, National Coalition of Aboriginal Organisations, National Federation of Aboriginal Education Consultative Groups, National Federation of Indigenous Peoples Organizations in the Philippines, National Socialist Council of Nagaland, Nation Quichua-Ecuador, Native Hawaiian Protocoli, Native Law Centre, New South Wales Aboriginal Land Council, Organizaçao Indigena Tremembe, Organización Amaro Runa, Organización de Indígenas en Suriname, Organización de Mujeres Aymaras del Kollasuyo, Organización de Mujeres Indígenas de la Amazonía Peruana, Organización Regional de la Mujer Indígena - ORMI, Osage Indian Nation, Pacific-Asia Council of Indigenous Peoples, Parlamento Indígena de América, Pokot-Kenya, Rio Negro Komitee, Samahang Pangtribu Ng Mqamanbyan sa Mindoro, Secretariat of National Aboriginal & Islander Child Care, Shors People, Teton Sioux Nation Treaty Council, The Indigenous of Crimean Peninsula (Southern Ukraine), The Kalmyk People, Tribal Act, Teleut- Association of the Teleut "Ene-Bayat", Tuvienien Peoples, West Papua Peoples Front, and Women's Writer Association of Tuva Tuvinien People.

10. The following organizations and groups were represented:

Aboriginal Works Committee of the Presbyterian Church in Taiwan, Afrikaner-Volksfront, Alliance of Neo-Activists and Muslim-Liberals (France), Apikan Indigenous Network, Arawak Ghyana, Associaçao Missao Tremembe, Association de l'Université d'Eté d'Agadir-Maroc, Association de Soutien aux Nations Amerindiennes, Association Jamal-Potonkan, Association Mondiale des Scientifiques Autochtones, Association pour le Developpement Economique et Social du Sud-Est Marocain, Badan Pertahanan Perjuangan Kemerdekaan Republic Maluku Selatan, Big Mountain Aktionsgruppe, Bowie State University, Bureau of Indigenous and Minorities, California Western School of Law, Centre de Documentation et Recherche et d'Information des Peuples Autochtones (DOCIP), Centro di Documentazione delle Etnie, Chin Unity Movement, Christian Spiritual Youth Ministry, Comité Belge-Amerique Indienne, Comité de Soutien les Tucanos - Brazil, Comité de Soutien aux Indiens des Amériques - Nitassinan (France), Comité Exterior Mapuche, Cimi, Consortium of European Universities, Dakota Black Hills, Dutch Centre for Indigenous Peoples, Education International, Eirene Agadez-Niger, Enxet, Ethnic Conflict Research Project, Flemish Support Group for Indigenous Peoples, Friends of Kashmir, Friends of Peoples Close to Nature, Fundaçao Arapora, Fundación Internacional Lelio Basso por el Derecho y la Liberación de Pueblos, Fundación Iriria Tsochok, Gadigal Information Service "Hoori Radio", Gobierno de la Región Autónoma del Atlántico Norte, Gran Fraternidad Universal, Hiti Tau Maomi People, Homeland Mission 1950 Maluku (Moluccas), Human Rights and Equal Opportunity Commission, Incomindios, Indigenous Affairs Committee of Democratic Progressive Party in Taiwan, Indian National Social Action Forum, Institut de Recherche et de Documentation de l'Ile de Quisqueya, Institute Ethnologie Université de Strasbourg, Institute for Ecology and Action-Anthropology, Interim Council of the Boer People-South Africa, International Educational Development, International Scholars for Indigenous Americans, International African Students Association, Itenmen E.V., Janus, Jeunesse Nationale Populaire, Kashmir Democratic Forum, Kwia Support Group, Lakota Project, Lao Human Rights Council, Inc., Lift Every Voice, Inc., Leonard Peltier Defence Committee, Canada, Maison de l'Environement, Mapuche Aucan, Mena Nuria Foundation, Human Rights on the Moluccas, Mohajir Qoumi Movement - Pakistan, Mohawk Nation, Muslim Liberals,

Netherlands Centre for Indigenous Peoples, Nord Sud XXI, Nordic Council of Ministery, Nuba Mountains Solidarity Abroad, Oekonomia Austria, OPM, Oromoo Komitee Nederland, Parlamento Indígena de América, Peabody Watch Arizona, Pemuda Rms Maluku, Public Association of Russian Regions, Public Service International, Quichua, Rehoboth Baster Community, Revista Etnias México, Sahabat Alam Malaysia Sarawak, Shimin Gaikou Centre, SNV Netherlands Development Organization, Solidarity Action Network, Southern Illinois University, Survive Touahegue, Susila Dharma International, Tawu People Council in Taiwan, Taipei Economic and Cultural Delegation, The Bank Information Center, The Vietnam Nationalities Cultural Association, Tierra Viva, Traditions pour demain, Unión Mexicana Suiza, United National Liberation Front Manipur, University of Amsterdam, University of Basel, University of Iowa, University of Keele, University of Kent, University of Lausanne, University of New Mexico, University of New South Wales, University of Strasbourg, Institut Ethnologie, University of Sussex, University of Tromso, University of Zurich, Unrepresented Nations and Peoples Organizations (UNPO), Wanniya-Laeto Foundation, Sri Lanka, West Papua Action Committee, West Papua Refugee, West Papuan Peoples Front, World Rainforest Movement and World Sindhi Congress.

11. In addition to the above-mentioned participants, 21 individual scholars, experts on human rights and human rights activists and observers attended the meetings. More than 700 people attended the thirteenth session of the Working Group.

Documentation

12. The following documents were prepared for the thirteenth session of the Working Group:

Provisional agenda (E/CN.4/Sub.2/AC.4/1995/1);

Annotations to the provisional agenda (E/CN.4/Sub.2/AC.4/1995/1/Add.1);

Note by the Chairperson-Rapporteur, Ms. Erica-Irene A. Daes, on criteria which might be applied when considering the concept of indigenous peoples (E/CN.4/Sub.2/AC.4/1995/3);

Information received from indigenous peoples' and non-governmental organizations on the review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations (E/CN.4/Sub.2/AC.4/1995/4);

Report of the Technical Meeting on the International Decade of the World's Indigenous People (E/CN.4/Sub.2/AC.4/1995/5);

Note by the Chairperson-Rapporteur, Ms. Erica-Irene A. Daes, on the future role of the Working Group (E/CN.4/Sub.2/AC.4/1995/6);

Report of the workshop held in accordance with Commission resolution 1995/30 on consideration of a permanent forum for indigenous people in the United Nations (E/CN.4/Sub.2/AC.4/1995/7);

Information received from Governments on consideration of a permanent forum for indigenous people (E/CN.4/Sub.2/AC.4/1995/7/Add.1);

Working papers prepared by the independent experts, Ms. Erica-Irene A. Daes and Mr. Rodolfo Stavenhagen, for the workshop on the establishment of a permanent forum (E/CN.4/Sub.2/AC.4/1995/7/Add.2);

Information received from indigenous peoples' organizations on the consideration of a permanent forum (E/CN.4/Sub.2/AC.4/1995/7/Add.3);

Advance copy of the second progress report on the study of treaties, agreements and other constructive arrangements between States and indigenous peoples by Mr. Miguel Alfonso Martínez, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/AC.4/1995/CRP.1).

13. The following background documents were made available to the Working Group:

Draft declaration on the rights of indigenous peoples as agreed upon by the members of the Working Group at its eleventh session (E/CN.4/Sub.2/1994/2/Add.1);

Commission on Human Rights resolution 1995/28 on the International Decade of the World's Indigenous People;

Commission on Human Rights resolution 1995/30 on a permanent forum for indigenous people in the United Nations system;

Commission on Human Rights resolution 1995/31 on the report of the Working Group on Indigenous Populations;

Commission on Human Rights resolution 1995/32 on the establishment of a working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994;

Report of the Working Group on Indigenous Populations on its twelfth session (E/CN.4/Sub.2/1994/30);

Final report of the Special Rapporteur, Mrs. Erica-Irene Daes, on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1995/26);

General Assembly resolution 49/214 on the International Decade of the World's Indigenous People.

Election of officers

14. A representative of the Centre for Human Rights opened the thirteenth session of the Working Group on Indigenous Populations. At its 1st meeting, on 24 July 1995, at the proposal of Mr. Hatano, the Working Group re-elected by acclamation Ms. Erica-Irene Daes as Chairperson-Rapporteur for the twelfth time in succession.

Organization of work

15. At its 1st meeting, the Working Group considered the provisional agenda, contained in document E/CN.4/Sub.2/AC.4/1995/1. Following a proposal made by the Chairperson-Rapporteur, the sub-item "the 50th Anniversary of the United Nations and indigenous peoples" was added under item 10. Also, the observer for Brazil proposed that item 9 of the provisional agenda be amended by adding the words "the possible establishment" after the words "consideration of". The provisional agenda, as amended, was adopted.

16. The Working Group held nine public meetings, from 24 to 28 July 1995. It decided to devote the 1st, 2nd and part of the 3rd meeting to standard-setting activities. The remaining part of the 3rd and the 4th, 5th, 6th and part of the 7th meeting were devoted to the review of developments. During the rest of the 7th meeting the Working Group considered the second progress report on treaties, agreements and other constructive arrangements between States and indigenous populations and held discussions on issues relating to the International Decade of the World's Indigenous People, which continued during the 8th meeting. During the remaining part of the 8th and part of the 9th meeting the future role of the Working Group was considered. The establishment of a permanent forum for indigenous people and other matters were the topics of discussions during the remaining part of the 9th meeting. The last meeting was extended for 1½ hours. In accordance with established practice, the Working Group continued to meet in private during the subsequent session of the Sub-Commission for the purpose of finalizing its report and adopting the recommendations contained therein.

Adoption of the report

17. The report of the Working Group was adopted on 7 August 1995.

I. GENERAL DEBATE

18. In her opening statement the Chairperson Rapporteur emphasized the achievements the Working Group had made by creating a unique liberal and democratic platform where many different points of view were exchanged in a spirit of peaceful and constructive dialogue between the representatives of the indigenous nations and communities, the observer Governments and the members of the Working Group. She appealed to the Governments to include indigenous persons in their delegations to the international institutions and to continue to raise indigenous issues at future United Nations conferences such as the Fourth World Conference on Women and the United Nations Conference on Human Settlements (Habitat II) in 1996.

19. With regard to the draft United Nations declaration on the rights of indigenous peoples, she explained that it had been submitted by the Sub-Commission to the Commission on Human Rights at its fifty-first session. In that context she drew attention to resolution 1995/32 of the Commission on Human Rights, by which the Commission proposed the establishment of a working group of the Commission to further elaborate the draft declaration.

20. She underlined the importance of continuing indigenous participation in the consideration of the draft declaration and expressed her hope that Governments would consider proposing an indigenous person as Chairperson-Rapporteur of the new working group. In that respect, she underlined that such a historic gesture by Governments would be a major contribution to the acceleration of the work on the draft declaration and to the reconciliation of indigenous peoples and national Governments. She also spoke of the possibility of expanding the terms of reference of the Voluntary Fund for Indigenous Populations so that it could assist indigenous representatives wishing to attend the new working group.

21. The Chairperson-Rapporteur also referred to the discussions on the establishment of a higher permanent forum for indigenous peoples within the United Nations system and the workshop which was held in Denmark in June 1995. She looked forward to the consideration of the matter under item 9 of the agenda.

22. She then asked for a discussion on the criteria which might be applied when considering the concept of indigenous peoples under agenda item 4, "Standard-setting activities". She explained that although the absence of a rigorous concept of indigenous peoples had not impeded progress under the mandate of the Working Group, there was a growing interest on the part of both Governments and indigenous peoples for guidance on this issue.

23. With regard to future activities of the Working Group, she proposed to consider designating theme years in order to allow a more focused approach to the Working Group's discussions.

24. She referred to a suggestion made by the Government of New Zealand and certain indigenous organizations to consider ways of involving indigenous experts more directly in the Working Group's work. She mentioned the possibility of establishing an indigenous advisory scientific group on specific issues such as health, education or intellectual property questions, and explained that this proposal would be further discussed by the members of the Working Group in their private meetings.

25. The United Nations High Commissioner for Human Rights, Mr. José Ayala-Lasso, welcomed the participants. He stressed the achievements of the Working Group since its creation towards securing social justice for the indigenous peoples of the world. He said that the draft declaration as it stood contained fundamental principles which were and would be in the future guidelines of historic importance.

26. The Working Group had been the inspiration for many other important projects concerning the protection of indigenous peoples' rights such as the proposal to establish a permanent forum for indigenous people within the United Nations system.

27. During the 9th meeting, the Chairperson-Rapporteur, in a special speech, paid tribute to the fiftieth anniversary of the United Nations. She reminded the participants of the opening words of the Charter: "We the peoples of the United Nations ..." and pointed out that although the Charter had been intended to benefit every people, 50 years later many peoples continued to be regarded as ineligible to chart their own destiny.

28. She said the International Decade of the World's Indigenous People marked the beginning of the next 50 years of the United Nations and it ought to set an unquestionable example for the new spirit of popular partnership and self-determination in world politics. She expressed her hope that the United Nations in the next 50 years would begin to be truly a United Nations of all the peoples, including indigenous peoples, and thus reflect within itself, at last, the equality and solidarity of humankind.

29. In her closing statement the Chairperson-Rapporteur reported that the 1995 session had been extremely well attended: 38 observer Governments, 7 United Nations and intergovernmental organizations, 232 indigenous nations, organizations and communities, non-governmental organizations and a large number of individual experts and scholars had participated. In total, about 700 people had attended the Working Group in 1995.

30. She pointed out that with the assistance of the Voluntary Fund for Indigenous Populations, 52 indigenous participants had been able to attend the Working Group, and expressed her gratitude to the Governments and non-governmental organizations which had made contributions.

31. The Chairperson-Rapporteur said that the discussion under item 4 had shown that many delegations considered that the standard-setting part of the Working Group's mandate was as important as ever. She also reminded indigenous representatives who were interested in participating in the Commission's working group on the draft declaration to send their application, as soon as possible, to the Coordinator of the International Decade at the Centre for Human Rights.

32. Concerning the discussion under item 5, she welcomed the great interest that part of the Working Group's work attracted and said that in order to make the work more operational and more effective the proposal to focus on specific themes in the future should be considered.

33. She stated that despite the absence of Mr. Miguel Alfonso Martínez, the Special Rapporteur on the study of treaties, agreements and other constructive arrangements between States and indigenous populations, a fruitful preliminary discussion had been held on the question; the comments and relevant proposals would be transmitted to Mr. Alfonso Martínez.

34. The Chairperson-Rapporteur referred to the International Decade of the World's Indigenous People and expressed her hope that in the year 2004 the theme of the Decade, "Indigenous people - partnership in action", would have become a reality in the everyday work of the United Nations. She thanked Mr. Antonio Garcia, Chairman of the Technical Meeting on the International Decade, for presenting the report (E/CN.4/Sub.2/AC.4/1995/5) to the Working Group, stating that the report offered a sound base for the programme of activities which would be included in the Secretary-General's report to the General Assembly.

35. She expressed her gratitude to the secretariat, to the volunteers who had assisted during the session, and to DOCIP (Documentation Centre on Indigenous Peoples) and UNPO (Unrepresented Nations and Peoples Organization) for providing substantive technical support to indigenous peoples.

II. EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS PEOPLES

36. During the discussion under item 4, a number of questions proved to be of particular importance. A great number of indigenous representatives and some governmental observers expressed their views on the new working group of the Commission on Human Rights and its mandate to elaborate further the United Nations draft declaration on indigenous rights. Also, many indigenous persons had referred to related issues such as the participation of indigenous peoples in that group and the procedure which was provided by Commission resolution 1995/32.

37. Several indigenous representatives expressed their concern that in the working group of the Commission a new drafting process would be started, and underlined the importance of using the existing draft declaration as the basis for the work. They stressed the fact that the preservation of the integrity of the draft declaration was essential to indigenous peoples.

38. Many indigenous representatives stated that the continuing participation of indigenous people in the new working group of the Commission was needed. They stressed the complexity of the procedure for participation of indigenous organizations without consultative status with the Economic and Social Council and criticized it widely. Many expressed their concern that the lack of a formal definition of indigenous peoples could be used by Governments to limit the participation of indigenous peoples by denying them recognition as an indigenous people.

39. The observer for New Zealand said that indigenous people should have the opportunity to continue to be heard as Governments considered the draft, and welcomed the decision to establish a mechanism for authorization of representation by indigenous organizations at the new intergovernmental working group. He expressed his Government's support for consideration to be given to broadening the terms of reference of the Voluntary Fund for Indigenous Populations so that it might also provide assistance to indigenous representatives wishing to participate in sessions of the new working group.

40. The observer for Australia stated that, in order to achieve a strong and forward-looking document acceptable to indigenous peoples, full and open access to the drafting process and the relevant United Nations bodies was imperative. Participation had to be as open as possible to ensure that the rights and aspirations of indigenous peoples were properly reflected in the draft declaration.

41. A number of indigenous representatives referred to the question of a formal definition of indigenous peoples. Some indigenous representatives from Asia stated that, in view of the new working group of the Commission, a formal definition was urgently needed to prevent Governments from denying the existence of indigenous peoples in their countries.

42. The observers for Bangladesh and India emphasized the need for a clear definition of "indigenous people" in the interest of an effective focus on the true indigenous people of the world. The observer for Bangladesh said that a procedure based on self-identification could be self-defeating and that it would be a great disservice to the true indigenous people if the agenda for indigenous people were allowed to be confused with the agenda of other subnational and tribal groups that constituted minorities within their respective countries.

43. Many indigenous representatives from other regions than Asia, in particular those coming from Australia, strongly opposed the idea of a formal definition of indigenous peoples. Referring to discriminatory governmental systems which defined indigenous peoples according to criteria such as blood and colour, they stated that the qualification and definition of "indigenous" could only be based on the inherent right to self-determination. Essential elements of this approach were said to be descent, self-identification, group identity or group acceptance and a historic connection with the land.

44. Several indigenous representatives said that the principle of self-identification which had been used so far was being abused by political groups who were in fact not indigenous. They added that the concept of indigenous should not be applied to descendants of former colonists.

45. Mr. Bengoa stated that regarding the development of a concept of indigenous peoples, the discussion clearly had two sides: a theoretical one and a political one. Also, there was a difficult linguistic problem in view of the usage of the words "populations" or "peoples". The draft declaration which had been approved by the Sub-Commission used both words without making a clear distinction.

46. He pointed out that a concept of indigenous peoples could be an important step towards the recognition of indigenous peoples and their rights and could well serve to make the very important distinction between indigenous groups and minorities.

47. In that regard, he underlined the difference between defining peoples and establishing procedures to exercise the right of self-identification. He pointed out that procedures to exercise the right of self-identification had to have the following characteristics: first, they had to be operational in order to serve international objectives and in particular allow an

understanding of the many different cultures; second, they had to be functional to allow participation of the indigenous peoples; third, they had to be flexible to be able to respond to new situations in the dynamic process of recognizing indigenous peoples' rights.

48. He stressed the fact that the principle of self-identification was inalienable and had to be part of the definition. The character of being the first people and the strong relation to the land also constituted important elements of a possible definition.

49. Regarding the requirement of historic continuity, he pointed out the inherent danger of such a requirement as many indigenous peoples had been forcefully removed from their lands or were now living in urban areas but had kept their indigenous identity. He pointed out that the element of having been subjected to colonization needed further discussion, as it seemed to reflect mainly the situations faced by indigenous groups in the Americas.

50. The element of a distinct culture which was recognized by all existing definitions should not constitute a decisive feature in order to allow a more dynamic approach, taking into account processes of change in indigenous societies. Also, he regarded the character of non-dominance as an empirical reality but not necessarily a substantive feature.

51. The observer for Brazil welcomed Mr. Bengoa's contribution, but he said that his delegation was not sure of the necessity of such a definition and suggested that the issue be kept on the agenda of next year's session of the Working Group. He further stated that other members of the Working Group should be encouraged to express their views on the subject, preferably in advance of the meeting, in order to allow for close analysis by delegations.

52. A number of speakers also referred to future actions of the Working Group, stressing the fact that the standard-setting activities should not be seen as completed, and suggested that a convention on the rights of indigenous peoples could be drafted. It was stated that there was a need for a continuing elaboration of standards for the protection of indigenous peoples' rights, and it was suggested that standards with regard to specific rights such as intellectual and cultural property rights, the rights of indigenous workers, the rights of indigenous prisoners or the rights of indigenous peoples living in border areas should be elaborated.

III. REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS POPULATIONS

53. In introducing the item, the Chairperson-Rapporteur stressed, inter alia, its importance. She reiterated that the Working Group was not a chamber of complaints and should not be treated as such by participants.

54. An indigenous representative from South America made the following statement, which can be viewed as a general summary of past and recent developments. He said:

> "In the past, indigenous peoples were living peacefully in their homelands, in harmony with nature. Then came 'civilization' which wanted to conquer, with a hunger for richness for only a few, the ambition of capital and power. They conquered the land, we lost our homes, our sacred sites, our agricultural areas, our hunting fields, our fishing waters. They called it development, we called it destruction. They said it would raise living standards, we said it brings humiliation. They earned money, we got poor. They founded big companies, we became cheap labour. They ruined the biodiversity, we lost our sources of traditional medicines. They spoke of equality, we saw discrimination. They said infrastructure, we saw invasion. They thought civilization, we lost our cultures, our language, our religion. They subjected us to their laws, we saw them claiming our land. They brought illnesses, weapons, drugs and alcohol, but not equal education and health care. It has been going on for more than 500 years. And it still goes on."

A. General principles

55. Many indigenous representatives reported on the continued denial of the right of self-determination to their respective peoples. While most described situations of oppression and assimilation, a significant number of participants were able to report on progress made in this respect.

56. Some indigenous representatives stated that their peoples were not recognized as indigenous under their respective country's laws making it virtually impossible to claim the right of self-determination. An indigenous representative from Asia stated that his Government used the lack of a definition of "indigenous peoples" in international law as an excuse for not granting his people indigenous rights.

57. The observers for Bangladesh and India stated that the term "indigenous peoples" was not applicable to their countries since the entire population had been living on the land for the past several millennia, making everyone indigenous to the land. The observer for Indonesia also questioned the applicability of the indigenous denomination to the integrated society of his country.

58. The observer for Finland and an indigenous representative from Scandinavia both reported on the recent approval by the Finnish Parliament of the Sami Cultural Autonomy Statute. The statute, which is part of the Finnish Constitution and other legislation, recognizes the Sami as an indigenous people and guarantees the right of cultural autonomy in the Sami homeland with regard to their own language and culture. The indigenous representative, however, stated that this very positive development had met with opposition by non-Sami living in the Sami homeland.

59. An indigenous representative from the Pacific described his people's case for sovereignty. He referred to the fact that they were once recognized as a non-self-governing territory by the United Nations. Furthermore, he stated that before annexation his nation had signed treaties with 22 European and Asian Governments. In addition, 1½ years previously his national Government had adopted an Apology Bill and formally apologized to his people.

60. The observer for Canada stated that a central element of the Canadian Government's approach to indigenous issues was to proceed on the premise that the inherent right of self-government is an existing Aboriginal and treaty right within section 35 of the Constitution Act of 1982. Thus, self-government arrangements could have protection under the Canadian Constitution. In this respect he mentioned the progress made in the establishment of the new territorial government of Nunavut in the Eastern Arctic region in matters such as the selection of a capital and training of Inuit for leadership roles in the new government.

B. Life, integrity and security

61. Some representatives of indigenous peoples and communities gave accounts of life-threatening situations such as genocide, mass murder, military rule, forced immigration or displacement, imprisonment, and the existence of economic and social circumstances resulting in deplorable living conditions.

62. An indigenous representative from Asia reported on the occurrence of indiscriminate violence and the destruction of villages by military forces. He drew a picture of routine raids carried out on villages whereby people were killed, beaten, randomly taken into custody and women raped. Another representative spoke of the heavy military presence in his country that, under the pretext of "counter-insurgency" and "security" measures, led to grave human rights violations including forced religious conversion and torture. Representatives of observer Governments, in their interventions, briefed the Working Group on measures taken by their respective Governments regarding alleged violation of human rights and the ongoing efforts towards confidence-building.

63. Two indigenous representatives from Latin America drew attention to a recent military border conflict which victimized the indigenous peoples living on both sides of the disputed border. They called upon the countries involved to find a solution through negotiation.

64. The observer for Australia stated that it was of grave concern to his Government that, despite measures to the contrary, the rates of incarceration of Aboriginal and Torres Strait Islander peoples had increased and that deaths in custody still occurred. The over-representation of indigenous peoples in the criminal justice system was, alarmingly, 26 times higher than that of non-indigenous Australians. However, the Australian Government had taken measures to ensure implementation of the recommendations made by the Royal Commission into Aboriginal Deaths in Custody. An indigenous representative from Australia stated that if these recommendations had been implemented faster many of his people would still be alive. He further reported on efforts to bring together families of the victims of death in custody to share their experiences of grieving and to help them in their healing processes.

65. The observer for Brazil reported on the particular situation of the Yanomami. He stated that, from April 1994 to April 1995, 1,382 intruders were expelled from Yanomami land with an estimated 200 escaping scrutiny. The Government was putting in place an extensive surveillance system to prevent invasion of indigenous lands. He acknowledged that the invasion of these lands by people fleeing from poverty and unemployment in the hinterlands constituted a structural problem that could only be tackled by long-term solutions. An indigenous representative stated that the Yanomami continued to suffer deaths from disease and violence.

66. As was the case last year, an indigenous representative brought the issue of genetic patenting to the attention of the Working Group. She stated that there appeared to be a very strong scientific interest both in understanding the fundamental human genetic structure of indigenous peoples and the potential that indigenous genetic property might hold for curing certain genetically induced diseases. She referred to the Human Genome Diversity Project (nicknamed the "Vampire Project"), a multinational, multi-million-dollar initiative to map the human genetic structure. The Project proposes to collect blood, hair and tissue samples from hundreds of different indigenous groups. She called for the development of effective guidelines, standards and constraints with regard to genetic patenting.

67. Many indigenous representatives commented on the dangers of nuclear testing and the dumping of nuclear waste, and strongly protested against nuclear tests by France. Some called upon the Working Group to initiate a study of the effects of such activities on indigenous peoples and their lands. An indigenous representative from Asia reported on his people, which number 3,100 and live on a small island. He stated that the island was used as a nuclear waste dumping site. He claimed that over a period of 13 years more than 100,000 barrels of waste had been stored on the island. It was believed that 30,000 barrels had started leaking, causing poisoning of the land and water. He further claimed that over 50 children with birth defects had been born, possibly because of this situation.

C. Culture, religious and linguistic identity

68. In this respect, the Chairperson announced that she had already completed her study on the protection of indigenous heritage and the revision of the principles and guidelines (E/CN.4/Sub.2/1995/26). She said that it was her intention to present the study and the principles and guidelines to the Sub-Commission under item 15 of its agenda.

69. An indigenous representative from North America claimed that national laws discriminated against indigenous women by denying certain categories of women the status of "Indian", and discriminated against indigenous peoples in general by requiring that certain persons be given that status, thus violating the principle of self-identification.

70. An indigenous representative from South America stated that the communal identity of his people prescribed their own form of transmittal of rights in order to preserve traditional practices of use. These practices were now under threat because of a national law on private investment.

71. An indigenous representative from the Russian Federation stated that the use of a traditional hunting instrument had been deemed by outside elements barbaric and unnecessarily cruel to animals. An indigenous representative from North Africa reported on the progress made in the promotion of his people's culture. A daily news broadcast of 15 minutes in his language had recently been introduced. Furthermore, several newspapers were printed in his language and several videos were also on the market.

72. Another indigenous representative from Africa complained about the exploitation of the women of her people because their traditions, attire and ornaments had been subjected to massive commercialization. An indigenous representative from Asia found it ironic that, on the one hand, certain Asian Governments deny the existence of indigenous peoples in their country but, on the other hand, market the distinct cultures of indigenous peoples to attract as many tourists as possible.

73. An indigenous representative from North America recalled a crisis which took place in 1990 over a forest which included a sacred burial ground which was to be turned into a golf course. Recently, two of his people had died and had to be buried somewhere else because of a lack of land. Private and governmental tourist agencies were alleged to be discouraging European tourists from visiting the area because the people were supposed to be armed and dangerous.

D. Education and public information

74. An indigenous representative from Eastern Europe stated that the availability of education in her language had improved. Newspapers and textbooks had been developed and regional regulations put in place. Her people had managed to publish the draft declaration in their language.

75. An indigenous representative from Asia said that his national Government had established schools to teach the dominant society's culture, history, language, etc., effectively replacing indigenous culture. An indigenous representative from Latin America reported on the lack of access to education his people had to cope with. This applied to all levels of education. He stated that there was a lack of bilingual education and that the quality of education was bad. He subsequently said that more resources had to be allocated.

76. The observer for New Zealand stated that the first year of the International Decade had been dedicated to the Year of Maori Language. The objectives of this initiative were to focus attention on the status of the Maori language and to encourage its use. Commemorations would include Maori language lectures, scholarships, and the undertaking of a comprehensive survey of the use of the Maori language throughout New Zealand. In addition, he stated that his Government believed that education played a crucial role in addressing the parity gap between Maori and non-Maori. He described progress made at all levels of education.

77. Similarly, the observer for Chile reported that his Government was currently developing a plan for intercultural bilingual education. This year 5,000 indigenous students had been assisted financially under a special programme.

78. An indigenous representative from Australia stated that she believed that education was not only a fundamental right of all people but also fundamental to achieving social justice and the process of reconciliation. She stated that disputes between the Commonwealth and the State Governments hampered the implementation of the necessary measures needed to improve education.

E. Economic and social rights

79. An indigenous representative from the Russian Federation reported that the State system of health services did not fit the needs of the different indigenous peoples living in that State. An indigenous representative from North America reported that, in violation of treaty rights, the Government was carrying out cutbacks in health care. He claimed that these cutbacks were tantamount to genocide for his people who were dying as a result of the deplorable socio-economic conditions which existed in their communities.

80. An indigenous representative from the Pacific stated that his people had the worst health statistics of all persons that resided in the State he lived in. Heart disease, cancer, high blood pressure, diabetes and high infant mortality were prevalent among his people. The women had the highest rate of breast cancer of the federated State he lived in, and the second highest in the world.

81. An indigenous representative from Australia stated that Aboriginal people started life smaller and finished it earlier. She said that life expectancy for an indigenous female was about 62 years as compared with 81 years for an average Australian and for indigenous males 57 years as compared with 75 years. The proportion of Aboriginal people who smoked was double the national average. She stated that despite progress made in reducing death rates from cardiovascular disease and lung cancer, much remained to be done to improve the overall health situation of her people.

82. Several indigenous representatives spoke about the need to empower indigenous women who suffered twofold because they were not only subject to discrimination as indigenous people but also as women.

83. A number of indigenous representatives spoke of the difficulties they had in adjusting to market forces under a capitalist system. Several indigenous representatives said that they regarded trade agreements like NAFTA and MERCOSUR as a threat. Others referred to the negative effects of the policies of national and international development agencies on their social and economic situation.

84. An indigenous representative from Asia stated that his Government's policy of transmigration had led to high unemployment among his people because better positions were used to attract transmigrants. He further reported on

the intellectual property rights of his people which were violated by people who had stolen traditional knowledge concerning the planting of a tree which provided a certain valuable spice.

85. A participant who spoke on behalf of an indigenous people in Asia stated that the traditional subsistence activity of that people was deemed poaching under law and consequently forbidden. An indigenous representative from Scandinavia stated that traditional hunting grounds in one of the Scandinavian countries was now practically open to all citizens. The National Board of Agriculture had been given authority to regulate licensing. She stated that they had the authority to issue annual licences for people living in the municipality and daily licences for others.

86. The observer for Canada expressed his Government's concern over a regulation of the European Union on trapping. This regulation would ban the import of wild fur and wild fur products of 13 animal species. This would have a devastating impact on the economy and lifestyles of many indigenous people in Canada. He stated that his Government was currently undertaking negotiations to find a practical solution.

87. An indigenous representative from Latin America reported that because the lands of his people were now in private hands, they had been reduced to a source of cheap labour without legal minimum wages and social benefits. He claimed unemployment was as high as 70-100 per cent amongst his people. It was now impossible to exercise their traditional rights because they no longer had access to their lands. Another representative stated that they had set up a programme with FAO to combat malnutrition among the children of his people. It included training courses in the nutritional value of food and the building of greenhouses to grow food.

F. Land and resources

88. Many indigenous representatives gave accounts of situations involving loss of land, lack of access to their land, displacement, environmental degradation through extraction activities, and extensive logging and mining activities on their land without compensation or profit-sharing.

89. An indigenous representative from Latin America stated that his homelands were threatened by multinationals. His national Parliament was in the process of approving a contract with a logging company for an area of over 1 million hectares of rainforest, almost a quarter of his country's rainforest. Furthermore, another company was already exploring for gold and two further companies were extracting bauxite in his country. He claimed these activities would destroy his people's ability to keep living in a traditional and peaceful way.

90. Another indigenous representative from Latin America reported that indigenous lands were sold or unfairly allocated leading to a situation where 10 per cent of the rich owned 89 per cent of the land. Yet another representative explained that the planned construction of a hydroelectric installation would lead to loss of biodiversity and displacement of indigenous communities.

91. A situation was described by a representative speaking on behalf of an indigenous people in Asia where the effects of migration into their land and the establishment of a national park on their land had left the people without land. They had been placed in rehabilitation villages within a hydroelectric/irrigation project aimed at their "development". Another representative spoke of the threats posed by national development activities. His Government was actively promoting a hydroelectric scheme which would submerge 70,000 hectares of land and lead to the displacement of 15 indigenous communities.

92. An indigenous representative from Latin America reported that progress had been made in his country with the resettlement of indigenous people on their traditional territories and the cession of legal title to these territories. He stated, however, that much remained to be done and that these efforts should not be seen as a favour from the Government but as an act of social justice. Another representative said that indigenous peoples did not live in cages and that the struggle of indigenous peoples for their particular land should be put in the broader context of neighbouring lands and territories.

93. The observer for Brazil stated that demarcation of indigenous lands constituted his Government's main priority as a means of guaranteeing land rights and enjoyment of other basic rights of Brazil's indigenous populations. At present, 280 indigenous areas (approximately two thirds of all indigenous areas) had been physically demarcated. Last month, eight indigenous territories had been approved by the President, which alone amounted to over 200,000 hectares. He said that these efforts were undertaken despite great financial constraints faced by the Federal Government. Nevertheless, the process of land demarcation planned for 1996-1999 would cover 223 indigenous lands, at an estimated cost of roughly US$ 300 million. He said that in the year 2000, 25 other territories would be demarcated with international assistance from the G-7 countries. He also reported that the Brazilian Ministry for the Environment and the Amazon Region had initiated several projects, aimed at rehabilitating the environment in indigenous lands and promoting sustainable development of indigenous communities based on their traditional knowledge and lifestyles.

94. The observer for New Zealand reported on the settlement of land claims under the Treaty of Waitangi. His Government had established the Waitangi Tribunal and allocated the sum of NZ$ 1 billion, known as the "Settlement or Fiscal Envelope", for settling claims over a period of about 10 years. Under this settlement policy an exception was made for claims with regard to ownership of natural resources which were principally regulated for the common good. Ownership of natural resources could only be claimed under certain circumstances, for instance where a specific site was of special historic, cultural or spiritual significance to Maori, or where the overall management of conservation values would be maintained or enhanced as a result of its use in claim settlement.

95. The observer for Canada said that land claim settlements in Canada were negotiated agreements on important land and resource issues. The rate of settlements had almost quadrupled since 1991 and in 1994-1995, 25 settlements, involving over $78 million were reached. With regard to the Great Whale

hydroelectric proposal in northern Quebec, the representative reported that, during the autumn of 1994, the Government of Quebec had announced suspension of the project. Discussion had been resumed with the Crees of Quebec which had resulted in the signature in May 1995 of a Memorandum of Understanding relating to the implementation.

96. An indigenous representative from North America contended that the structure of a grazing ordinance controlling the "range units" on a certain territory favoured the property interests of ranchers over that of Indians on the reservation. The dispute had brought to the fore the larger question of sovereignty and authority over decision-making processes that regulated resources on their territory.

97. An indigenous representative from Australia commented on the establishment of a National Indigenous Land Fund. She stated that the amount of $A 1.5 billion to be deposited in the Fund over a period of 10 years, was insignificant when compared to dispossession or even the Government's budget for the Sydney Olympic Games to be held in the year 2000. Another representative reported on a specific State Aboriginal Land Rights Act which provided for a land claims process. The Act, however, had set a time-limit beyond which claims would not be heard. Another Act had been established five years ago under which, to date, only five titles had been issued. Commenting on the Native Title Act, yet another representative claimed that the Act would result in the extinguishment of title and found the operation of the Act to be slow, very expensive, complex and not appropriate to Aboriginal law.

98. The observer for Australia stated that the role of the National Native Title Tribunal, which was set up in January 1994 under the Native Title Act, was to mediate between claimants and respondents in native title claims and to arrive at an agreement. In June 1995, the Aboriginal and Torres Strait Islander Land Fund and the Indigenous Land Corporation had been established. The Fund, financed by fixed annual allocations from the Commonwealth Government, would assist indigenous peoples to buy and manage land. He said that all those initiatives were aimed at bringing about social justice without which there could be no reconciliation.

99. A representative who spoke on behalf of an indigenous people in southern Africa reported that under the country's new Constitution, land claims dating from before 1913 were not admissible; this would leave the people empty-handed.

G. Indigenous institutions

100. An indigenous representative from South America stated that although his people was recognized under a special law, representation of his people was distorted through a system of appointments and approvals instead of election by the people. A representative of the support group of indigenous peoples stated that the support group had appointed an indigenous person as consultant on indigenous issues.

101. An indigenous representative from the Russian Federation reported that his people had set up their own enterprise in order to be able to deal with the economic problems they faced and to compete with companies threatening their land.

102. The observer for Finland stated that a law was passed in Finland that strengthened the functioning of the Sami Parliament. Under the law the Sami Parliament would submit an annual report to the Government, a full-time Chairperson would be appointed, government officials were obliged to consult with the Sami Parliament on any significant matters concerning planning and implementation of land usage, regulations concerning Sami occupations, and education, health and social welfare policy on the Sami homeland.

103. The observer for Canada stated that in December 1994 an historic agreement had been signed to dismantle the regional operations of the Department of Indian Affairs and Northern Development in Manitoba and to transfer its responsibilities to the First Nations of Manitoba. He said that this would be done in full consultation with, and at a pace determined by, the First Nations of Manitoba. Furthermore, he reported that a number of indigenous people had been appointed to senior government positions.

104. The observer for Norway reported that, in relation to its periodic reporting duties under ILO Convention No. 169, it had established the practice of enclosing the report of the Sami Parliament. He said that this was because the Norwegian authorities had experienced that there could be different opinions in the understanding and interpretation of the legal obligations established in Convention No. 169 and to facilitate an open and constructive process of reporting. Furthermore, he said that there was a common understanding that the Sami Parliament would act as the main catalyst for the governmental policies for the Sami people.

105. An indigenous representative from Australia stated that the latest voting patterns had shown that the State-financed organization representing the indigenous peoples of Australia did not enjoy the full backing of all indigenous people. This raised certain doubts about the Government's intention to ratify ILO Convention No. 169 with the endorsement of this representative organization.

H. Implementation

106. Several indigenous representatives stated that implementation of laws, policies and programmes developed for their protection and development were often slow, incorrect or simply lacking.

107. An indigenous representative from Latin America wondered what good ratification of human rights instruments did when their protective clauses were not implemented by the Governments. An indigenous representative from the Russian Federation claimed that the resources meant for the development of his people were lost because of corruption, a process which was often accompanied by physical violence.

108. The observers for Australia, Brazil, Canada and New Zealand all reported on progress made in implementing measures designed for securing the land rights of their respective indigenous people and their general policies.

109. The observer for Brazil informed the Working Group that the Inter-American Commission on Human Rights had been invited to pay a visit to Brazil, in order to gain first-hand knowledge about the overall situations of human rights in Brazil. An observer non-governmental organization welcomed Brazil's decision to invite the Inter-American Commission on Human Rights, and said that a review of the human rights situation in Brazil could result in protection for the Yanomami people.

IV. CONSIDERATION OF THE SECOND PROGRESS REPORT OF THE SPECIAL RAPPORTEUR OF THE SUB-COMMISSION ON TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS BETWEEN STATES AND INDIGENOUS POPULATIONS

110. In introducing this agenda item the Chairperson-Rapporteur explained briefly that, unfortunately, the second progress report was only available in its original Spanish version. She explained the health problems the Special Rapporteur and member of the Working Group, Mr. Miguel Alfonso Martínez, had encountered recently. She expressed her best wishes for his total and speedy recovery. In accordance with his wishes, however, she proposed that a preliminary debate take place in the Working Group.

111. Mr. Alfonso Martínez's alternate, Mr. Bengoa, stated that he had had a chance to read through the draft report and had found it an excellent piece of work and commented on its relevance for the question of definition which had taken such a prominent place in the discussions of the Working Group. He stated that the presence of certain groups at the Working Group claiming to be indigenous was a symptom of the need for more precision with regard to the elements which could be of relevance for defining indigenous peoples.

112. An indigenous representative from Latin America stated that the provisions of a peace agreement signed between the Government and civil insurgents were not respected. He called for constitutional reforms as the only practical solution.

113. An indigenous representative from North America stated that his confederation of indigenous nations had undertaken some research on pre-European contact treaties among indigenous nations that they felt would have a bearing on the Treaty Study. He recommended that the Working Group recommend to its parent bodies that the Special Rapporteur's mandate be extended for one year and that he be provided with the proper financial and technical resources required to finish the study. These requests were supported by all speakers who spoke on this item.

114. Another representative from North America expressed the belief that the unbiased views of a third party on binding international agreements would give additional force to the struggle of his people. An indigenous representative from Australia invited the Special Rapporteur to visit Australia. He stated that the valuable comparative study of Mr. Alfonso Martínez provided his

people with a wealth of information on how the Australian Government could constitutionally recognize the existence of indigenous sovereign peoples with whom it shared the same land.

V. INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

115. In introducing this item the Chairperson-Rapporteur once again underlined the particular importance of the item for the world's indigenous peoples. She also thanked and congratulated the Chairman of the Technical Meeting and the Secretary of the Working Group, Mr. J. Burger, for the excellent work they had done at that meeting.

116. In summarizing the proceedings and outcome of the Technical Meeting, which was held prior to the thirteenth session of the Working Group from 20-21 July at Geneva, on a programme of action for the Decade, the Chairperson of the Technical Meeting, Mr. Antonio Garcia (Peru), stated that he was satisfied with the work accomplished. He stated that a constructive dialogue between indigenous representatives and Governments had taken place with a shared objective of making progress in drafting a programme for the Decade. He felt that the Technical Meeting sent a positive message to the international community and was pleased that the participants had been able to overcome their differences at earlier Technical Meetings.

117. The observer for Bangladesh made specific observations regarding categorization of organizations as "indigenous" in the report of the Technical Meeting. He emphasized that although self-identification gave organizations access to the Working Group, it did not decide on their status as indigenous or otherwise. He suggested that, instead, the references should read "organizations and groups identifying themselves as indigenous".

118. The observer for Brazil congratulated and thanked the Chairperson and the secretariat for the good work done during the Technical Meeting. He expressed his satisfaction with the work accomplished during the Technical Meeting and stated that Brazil considered the report of the Meeting a useful basis for the elaboration of a final proposal for a programme of action for the Decade. That view was shared by the observer for Australia. The observer for Brazil requested that the Coordinator for the International Decade bring the report of the Meeting to the attention of Governments immediately, so that their comments, to be submitted in accordance with paragraph 3 of General Assembly resolution 49/214, could take its recommendations into account. He stated that in order to avoid further discussion during the forthcoming General Assembly, those comments should be fully taken into account in the elaboration of the final draft programme of action to be submitted by the Secretary-General with his next report to the General Assembly. The observer for Denmark stated that she found the report a well-balanced reflection of the views and ideas expressed during the Meeting.

A. Activities of the United Nations system

119. An indigenous representative from Australia stated that the profile of the Decade should be reviewed. She felt that it needed more and wider publicity since she had experienced a lack of awareness on the part of the public and indigenous communities. This was seconded by an indigenous

representative from the Russian Federation who drew attention to the need for establishing an infrastructure of electronic communication to facilitate that process.

120. An indigenous representative from Latin America stated that participation of indigenous peoples in the planning and implementing of the programme of action for the Decade was essential for its success. That view was shared by an indigenous representative from the Russian Federation who further stated that the success of the Decade would depend on the United Nations directly supporting projects developed by indigenous peoples themselves.

121. Several representatives called for the holding of a world summit or conference of indigenous peoples under the auspices of the United Nations during the Decade. A representative from a support group for indigenous peoples proposed that a study on the effects of activities involving nuclear substances should be undertaken by the United Nations during the Decade.

122. The observer for Denmark noted with pleasure that the idea that relevant intergovernmental organizations should ensure that their programmes and budgets for the Decade were given priority and were provided sufficient resources, and that regular reports on the action taken would be submitted to the respective governing body or executive council, was well reflected in the report of the Technical Meeting.

123. The observer for Australia stated that achieving good outcomes from the programme of action would depend, in particular, on effective coordination of activities within the United Nations system with maximum input from indigenous peoples. In light of the central role of the Centre for Human Rights in that respect, Australia urged that the indigenous peoples unit within the Centre should be given, as a matter of high priority, the resources necessary to enable it to carry out this role. This unit should utilize the skills of qualified indigenous people to the greatest extent possible.

B. Activities of Governments

124. The observer for Denmark stated that if the Decade was to achieve its objectives it was important for the United Nations and Governments to delegate and share the necessary tools with the indigenous peoples. According to her Government, there were two primary goals for the Decade that the international community should achieve: the establishment of a permanent forum and the adoption of the draft declaration.

125. The observer for Nicaragua reported that his Government had set up a national committee with a mandate to elaborate and implement a national programme of action for the Decade. Similarly, the observer for the Philippines reported that on 13 July 1995 the President of the Philippines had issued an administrative order under which a national committee on the Decade would be created and 1995-2005 declared National Decade for Filipino Indigenous Peoples.

126. In the same vein the observer for New Zealand reported on the intention of his Government to convene a meeting of Maori community representatives to coordinate Decade activities and establish criteria for disbursement of funds.

The observer for Ecuador stated that his Government found the establishment of national coordinating committees with the participation of indigenous organizations indispensable in developing a plan of action both for the national and regional levels.

C. Indigenous activities

127. Several indigenous representatives stated that as subjects of the Decade indigenous peoples should be more involved in the planning, coordination and implementation of the activities of the Decade.

128. Different indigenous representatives reported on the activities they had undertaken or planned within the framework of the Decade. One indigenous representative stated that her organization would hold international conferences on youth and women. Another indigenous representative, from Latin America, stated that her organization had developed a plan of activities, a financial plan and a forum where members regularly came together to discuss progress. An indigenous representative from the Russian Federation stated that his people too had developed their own plan.

129. The observer for the Philippines invited all indigenous peoples of the world to participate in the indigenous cultural olympics. These were to be organized by a Filipino NGO from 1-10 December 1995 and would include performances, art exhibits, rituals, sports demonstrations and a trade fair of tribal arts and crafts.

130. An indigenous representative from North America stated that some proposals made by indigenous representatives had not been incorporated into the report of the Technical Meeting. These were the completion of the treaty study and the implementation of its recommendations, the assurance that resources would be made available from the regular budget of the United Nations, and that one or two world conferences on indigenous peoples would be held during the Decade.

D. Voluntary Fund for the International Decade

131. The observer for Denmark stated that in order for the Voluntary Fund for the International Decade to work efficiently throughout the Decade in a way that indigenous peoples could identify with, it would be necessary for clear guidelines to be established for its operation. These should be transparent and include the Fund's administration, commitment procedures, accounting and follow-up procedures. Reports of the Fund's activities must be made available without delay to donors. It was of the utmost importance to his Government that the Fund should limit its activities to areas which could be funded from existing sources. He further stated that since the Fund was bound to make decisions which affected indigenous peoples, it would be important for indigenous representatives to be included in the Board of Trustees of the Fund. Those views were shared by the observer for New Zealand.

132. The observer for Australia stated that it was vital to ensure that the Voluntary Fund was an effective instrument. The Coordinator would have to make maximum use of a wide range of sources of support for the Fund, including

Governments, the private sector, financial institutions, non-governmental organizations, academic institutions and the media. Support from the private sector should be explored in particular.

133. The observer for Japan stated that his Government found the Fund critically important for the implementation of the Decade. He pointed out that the General Assembly, in resolution 49/214, had originally recommended the establishment of an independent account and not, as was now the case, a sub-account of the Voluntary Fund for Indigenous Populations. He expressed concern that the expenditure and income might be confused between the account and the sub-account. He called upon the establishment of an independent account in compliance with General Assembly resolution 49/214. Further, his Government could not support the establishment of a Board of Trustees for the Fund. He felt that the establishment and administrative costs attached to the meetings of such a Board would be an unnecessary expenditure which could better be used on the programmes and activities of the Fund.

134. An indigenous representative from Australia strongly recommended that, to facilitate financial accountability, administration of the Fund should be transferred from New York to Geneva.

VI. THE FUTURE ROLE OF THE WORKING GROUP

135. During the discussion under item 8 many speakers stated that the future role of the Working Group on Indigenous Populations had to be considered in close connection with item 9 of the agenda, "Consideration of the possible establishment of a permanent forum". It was stressed, however, that any discussion on a permanent forum should not threaten the Working Group.

136. A great number of indigenous representatives spoke about the importance of retaining the Working Group as a forum for indigenous peoples to speak about their concerns and to review the developments regarding the promotion and protection of the rights of indigenous peoples. This view was also expressed by the observers for Australia and Colombia.

137. Many indigenous representatives stated that standard-setting activities would continue to be a significant task of the Working Group. The observers for Australia and Colombia supported this idea. As already proposed under item 4, those activities should include, among others, the elaboration of instruments for the protection of intellectual and cultural property and the protection of indigenous workers and prisoners. The observer for Brazil suggested that the Working Group should also broaden its scope and look at developments on standard-setting in other forums, such as UNESCO and FAO, whose studies and standard-setting activities on folk rights and farmers' rights were of particular interest to indigenous peoples. He further suggested that the Working Group might offer to assist the Conferences of the Parties of the Convention on Biological Diversity and of the Convention on Desertification with technical recommendations on how to implement specific provisions of these conventions on the protection and promotion of traditional knowledge and life-styles.

138. A great number of indigenous representatives also saw the elaboration of a United Nations convention on the rights of indigenous peoples as an important future task. The observer for Brazil stated that his Government did not consider future elaboration of any other international instrument by the Working Group to be a priority task, and that a commentary on provisions of the draft declaration should be developed only after it was requested by the intergovernmental working group established to elaborate an international declaration. He reiterated that the Working Group should be requested to fulfil a useful role in reviewing international activities undertaken during the Decade and in receiving voluntary information from Governments on the implementation of the goals of the Decade in their respective countries. He also expressed support for the suggestions made by the Chairperson-Rapporteur in that regard, which could include an evaluation of the implementation and results of the programme of activities of the Decade as approved by the General Assembly, identification of obstacles to successful implementation of the goals of the Decade, and suggestions for possible supplementary activities that might be included in the programme of activities. An agenda item to follow up on the Decade could be contemplated.

139. The observer for New Zealand underlined the importance of the contribution of indigenous expertise to the work of the Working Group. He referred to proposals such as the broadening of the membership of the Working Group to include five indigenous representatives, the establishment of two indigenous vice-chairs to assist the work of the Chairman or the establishment of an advisory group of indigenous persons in relation to particular areas of interest.

140. Mr. Hatano referred to a possible restructuring of the Working Group by establishing an informal consultative committee consisting of the five members of the Working Group, five government and five indigenous representatives. He also made several remarks concerning the organization of the Working Group's work in future sessions regarding the allotment of time and the speakers' list. He proposed that more meetings of the Working Group be held in closed session to allow members opportunity for analysis of the information provided. Finally, Mr. Hatano suggested that, during the International Decade of the World's Indigenous People, at least one meeting of the Working Group should be held in an Asian country.

141. With regard to future meetings, the observer for Australia suggested that the Working Group should ask the secretariat to prepare a statement of the cost implications and modalities of meetings in regional United Nations centres.

VII. CONSIDERATION OF A PERMANENT FORUM FOR INDIGENOUS PEOPLES

142. The observer for Denmark stated that his Government did not agree with the inclusion of the words "possible establishment" in the title of agenda item 9. Referring to the positive outcome of the Copenhagen workshop on this issue, he said that his delegation was confident that such a forum was possible in one way or another.

143. He expressed the view that the permanent forum should have a broad mandate and deal with issues beyond the field of human rights. The forum should report to the Economic and Social Council and its members should consist of both indigenous and government representatives, reflecting the Decade's theme of partnership. He strongly recommended that another workshop be held on this matter before next year's session.

144. The observer for Chile also stated that the discussion should no longer focus on the question of the possibility of a forum, but on how and where to establish it. He stressed the need for adequate funding and expressed his Government's hope that the forum would be established within the International Decade. The observers for Colombia and Norway shared his view that the new forum should be placed under the Economic and Social Council.

145. The observer for Brazil recalled that the position of his Government on the possible establishment of a permanent forum had been expressed in the joint statement made by the observer for Uruguay at the twelfth session, on behalf of Brazil, Nicaragua and Panama. He welcomed, however, the report of the Copenhagen workshop and supported its recommendations, in particular the suggestion that the Secretary-General should prepare a report on the existing mechanisms, procedures and programmes within the United Nations system for coordination and for the promotion of the rights of indigenous people. He further suggested that such a report should also include information on implementation by the United Nations organizations and international development and financial organizations of the recommendations contained in paragraph 26.5 of chapter 26 of Agenda 21. Finally, he said that his delegation took note of the suggestions made by the Chairperson-Rapporteur regarding the structuring and other technical aspects related to a possible model for a permanent forum, but that their late distribution did not allow sufficient time for his Government to react to them at the present session.

146. The observer for Bangladesh referred to the Copenhagen workshop and recalled that at the outset of the workshop, concerns were expressed that in the absence of a clear definition of "indigenous people", which was crucial for determining the scope of a possible permanent forum, any discussion on detailed elements of such a forum would be premature. He also called for a revised "report" of the workshop, based on the agreed final version, to be circulated, indicating that it would be difficult to consider the circulated version as an adopted document.

147. Many indigenous representatives underlined the need for a body that was distinct from the Working Group on Indigenous Populations with respect to the nature of its work, its membership, its status within the United Nations and its international influence. The idea of a forum with a broad mandate covering issues such as health, environment, education and economic development was widely supported.

148. In that regard, many indigenous speakers stated that a forum reporting to the Economic and Social Council would be of most use for indigenous peoples as the Council covered the range of issues which were important to indigenous peoples. Referring to the question of membership, many indigenous

representatives asked for equitable regional distribution. It was also suggested that the forum be chaired by an indigenous person and assisted by a group of experts.

149. There was no prevailing opinion as to where the forum should meet. Both Geneva and New York were considered to be suitable places. Some speakers, however, suggested that the forum should not meet in only one place, but hold meetings in the different regions where indigenous peoples lived. Many indigenous representatives asked for a second workshop before next year's session to allow further intensive discussion on the permanent forum.

150. Mr. Hatano proposed that the permanent forum be placed under the High Commissioner for Human Rights. Regarding the membership, he suggested that it should consist of five representatives of Governments, five representatives of indigenous peoples and five independent experts. He stated that another possibility would be six governmental and six indigenous representatives and three independent experts; in no case should the number of 15 members be exceeded.

151. He said that the forum's future function could be to monitor whether Governments acted in accordance with the provisions of the declaration. Another function of the forum might be to act as a "clearing house" for complaints. He suggested that a special rapporteur be sent to the countries where human rights problems existed and report directly to the High Commissioner for Human Rights.

VIII. OTHER MATTERS

A. Meetings and seminars

152. Prior to introducing this item, the Chairperson-Rapporteur referred to the celebrations and meetings in connection with the fiftieth anniversary of the United Nations which she considered to be of great importance to indigenous peoples (see also paras. 27 and 28). She stated that, after 50 years, the struggle to achieve universal enjoyment of peoples' right to self-determination was not over. She expressed her optimism for the future and referred to the extraordinary growth in the number and diversity of non-governmental organizations involved in United Nations policy and operations. The number of non-governmental organizations participating in United Nations activities had grown from just 42 in 1947, to just over 900 in 1990, to more than 2,000 today. Thus, the role and influence of non-governmental organizations had greatly increased over the years. The nature of non-governmental organizations themselves had also changed fundamentally, from chiefly professional, technical and humanitarian organizations to increasingly grass-roots, community and social movement organizations.

153. Indigenous peoples had been at the forefront of this great world movement of communities and peoples, and would continue to gain greater influence in global affairs from this momentum. It was an irresistible momentum towards democracy and self-determination in all regions. As the United Nations celebrated its fiftieth year, it was being transformed into another kind of organization, in which both States and peoples would share responsibility for

the future. During the course of the deliberations of the Working Group, many indigenous representatives had referred to the historic and future importance of the United Nations and its fiftieth anniversary.

154. The Chairperson-Rapporteur reported on several meetings and seminars that had taken place in the past year which she had personally attended. In particular, she expressed her great satisfaction that she had been invited to participate, in her capacity as Chairperson Rapporteur of the Working Group, in the Global Conference on Cultural Diversity organized by the Prime Minister of Australia in cooperation with the Secretary-General of the United Nations as well as the seminar organized by the Aboriginal and Torres Strait Islander Commission. Furthermore, she referred to the useful seminar organized by the Sami Council in cooperation with the University of Lapland in Rovaniemi (Finland) on the draft declaration. She also drew the attention of the participants to the round table of indigenous women which would be held at the NGO Forum at the Fourth World Conference on Women in Beijing.

B. Voluntary Fund for Indigenous Populations

155. The Chairperson-Rapporteur paid tribute to the Governments, non-governmental organizations and individuals who had contributed to the Voluntary Fund for Indigenous Populations.

156. As a member of the Board of Trustees of the Voluntary Fund for Indigenous Populations, Mr. Leif Dunfjeld stated that he was pleased to inform the Working Group that this year the Voluntary Fund had been able to assist 52 indigenous representatives to attend the Working Group. This was the highest number in the history of the Fund. He further stated on behalf of all the members of the Board that it would be willing to take on extra duties if called upon, for example to provide assistance to indigenous representatives who wished to attend the working group of the Commission on Human Rights that would further elaborate a draft declaration. That proposal was also mentioned by several other participants.

157. During the course of the proceedings many recipients of assistance took the floor to express their gratitude for the assistance they had received from the Voluntary Fund and to those that had contributed to it.

158. An indigenous representative from Australia said that, in the interest of open accountability, it would be appreciated by her organization, as a contributor to the Voluntary Fund, if the secretariat would provide her organization with an annual statement detailing actual expenditures, by purpose and region, without revealing the names of the individuals assisted. She strongly recommended that to facilitate the provision of an annual financial statement, the administration of the Voluntary Fund should be transferred from New York to Geneva.

IX. CONCLUSIONS AND RECOMMENDATIONS

A. Standard-setting

159. The representatives of indigenous peoples and many government observers expressed their view that the standard-setting part of the Working Group's mandate remained of fundamental importance.

160. The Working Group heard with interest suggestions for possible future activities relating to standard-setting, including proposals to consider the rights of indigenous prisoners and workers, indigenous peoples living in border areas, possible criteria for a definition of indigenous peoples, and an eventual analytical review of articles of the draft declaration on the rights of indigenous peoples.

161. The Working Group expressed its willingness to cooperate as a body of experts in any conceptual clarifications or analysis which might assist the working group established by the Commission on Human Rights to further elaborate the draft declaration.

162. The Working Group decided to recommend to the Sub-Commission that the Chairperson-Rapporteur, Mrs Erica-Irene Daes, be entrusted with the preparation of a note on criteria for a definition of indigenous peoples based on information which might be submitted by Governments, intergovernmental organizations and indigenous peoples' organizations.

B. Review of developments

163. Representatives of indigenous peoples and many Governments expressed the view that the part of the Working Group's mandate dealing with the review of developments provided an important opportunity to receive up-to-date information about the situations of indigenous peoples and recent governmental policy initiatives.

164. The Working Group expressed its deep appreciation to the representatives of indigenous organizations who had often travelled at great cost and with considerable difficulty to the United Nations Office at Geneva to provide information about their peoples and communities. It also expressed its appreciation to representatives of observer Governments who provided extensive and valuable information about the latest developments concerning indigenous people in their countries.

165. The Working Group decided that at its fourteenth session it would highlight, under a sub-item of the item dealing with the review of developments, the question of indigenous peoples and health. In that regard, it decided to recommend to the Sub-Commission that it request information on the question from Governments, specialized agencies, in particular the World Health Organization, other intergovernmental organizations and indigenous and non-governmental organizations to be made available as a background paper at its next session. The Working Group also decided to include in its next report to the Sub-Commission a section providing information on "indigenous peoples and health".

166. The Working Group further decided, subject to the endorsement by the Sub-Commission of the recommendation contained in the previous paragraph, to request the Chairperson-Rapporteur of the Working Group to inform the Board of Trustees of the Voluntary Fund for Indigenous Populations that its fourteenth session would highlight health questions so that the Board could bear this information in mind when it met for its ninth session in April 1996.

C. Treaty study

167. The Working Group noted with appreciation the warm wishes for the rapid restoration of good health of the Special Rapporteur, Mr. Miguel Alfonso Martínez, expressed by representatives of indigenous peoples and observer Governments. The Chairperson-Rapporteur repeatedly expressed her thanks on behalf of all members of the Working Group.

168. The Working Group expressed its appreciation of the second progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, and congratulated the Special Rapporteur. It welcomed the preliminary discussion on the second progress report held during its thirteenth session and recommended that, in accordance with the wishes of the Special Rapporteur, a full debate on the report take place under item 15 of the agenda of the Sub-Commission.

169. The Working Group decided to recommend that the Special Rapporteur be given adequate resources, including the necessary consultancy assistance, as well as for any field visits deemed indispensable to the proper conclusion of his study, so that he could submit his final report to the Working Group at its fourteenth session and to the Sub-Commission at its forty-eighth session.

D. International Decade of the World's Indigenous People

170. The Working Group expressed its appreciation to the Chairman of the Technical Meeting on the International Decade, Mr Antonio Garcia, for the proposals for inclusion in the comprehensive programme of activities for the Decade. It noted that representatives of indigenous peoples and observer Governments were satisfied with the outcome of the Technical Meeting.

171. The Working Group decided to endorse the programme of activities elaborated by the Technical Meeting. It further recommended the inclusion in the final programme of activities of the Decade of the holding of a world conference on indigenous peoples and an expert meeting on problems arising from nuclear testing and dumping on indigenous peoples, within the framework of the Decade.

172. The Working Group decided to recommend that the members of the Board of Trustees of the Voluntary Fund for the Decade be appointed as soon as possible to consider projects submitted by indigenous and other organizations during the International Decade.

E. Permanent forum

173. The Working Group expressed its warm appreciation to the Government of Denmark and the Homerule Government of Greenland for organizing the

workshop on the possible establishment of a permanent forum for indigenous people in the United Nations. It unanimously decided to recommend that the relevant resolutions of the Commission on Human Rights and the report of the Copenhagen workshop (E/CN.4/Sub.2/AC.4/1995/7) be circulated to Governments, intergovernmental organizations and indigenous peoples' organizations for their comments.

174. The Working Group supported the idea that the permanent forum should be established in the course of the Decade, report to the Economic and Social Council, include in its mandate questions relating to human rights, development, environment, health, education and culture, consist of a membership of representatives of Governments and indigenous peoples as well as independent experts. Also, if the permanent forum is open to non-members, it should be attended by representatives of all indigenous peoples' organizations regardless of their consultative status.

175. The Working Group decided to recommend that a further workshop be held prior to the fourteenth session of the Working Group to elaborate further the practical aspects relating to the establishment of such a forum. In particular, it was recommended that invitations be sent to relevant departments and organizations of the United Nations with the request that they consider how any new forum might cooperate with them. It was also recommended that the Secretary-General review existing arrangements and programmes within the United Nations system which might be used by indigenous people.

F. Meetings and conferences

176. The Working Group decided to consider the following questions as separate items on the agenda of its fourteenth session: "standard-setting activities" including a sub-item on "the concept of indigenous peoples"; "review of developments pertaining to the human rights and fundamental freedoms of indigenous peoples" including a sub-item on "health and indigenous peoples"; "treaties, agreements and other arrangements between States and indigenous peoples"; "International Decade of the World's Indigenous People"; "future of the Working Group"; "permanent forum for indigenous people"; "other matters".

177. The Working Group expressed its appreciation to the secretariat for the preparation of an annotated agenda for its session and requested that an annotated agenda be prepared for its fourteenth and subsequent sessions.